

REMARKS

Claims 6-18 are pending in the instant application. Claims 8, 9, 12, 13, and 14 have been cancelled without prejudice or disclaimer upon entry of this amendment. Applicants reserve the right to file one or more divisional, continuation, or continuation-in-part applications to any canceled or withdrawn subject matter contained in the application as originally filed. No prohibited new matter has been added by way of this amendment.

I. REJECTION UNDER 35 U.S.C § 112 HAS BEEN OVERCOME

The treatment of colonic inflammation is disclosed in Examples 1 and 2 and is acknowledged by the examiner as meeting the requirements of 35 U.S.C. § 112. The treatment of colonic hypersensitivity to distension is disclosed in Example 3 in a sufficient manner to also be enabled. The claims have also been limited to treatment of the conditions and do not include the potential to cure or prevent the claimed conditions.

Therefore, Applicants respectfully request that the rejection under 35 U.S.C. § 112 be withdrawn.

II. REJECTIONS UNDER 35 U.S.C. § 102(e) HAVE BEEN OVERCOME

Claims 15-18 were rejected under 35 U.S.C. § 102(e) as being anticipated by Ubbink et al. (U.S. 2005/0153018 A1). The subject matter of claims 15-18 is entitled to the priority of FR 02/03891 as noted in the amendment to the specification. Filed herewith is a certified English language translation of this priority document which clearly discloses the claimed invention. Note page 6, line 13 to page 7, line 39, examples 1-3, pages 8 -19 and claim 5 of the English language translation. The priority date of March 28, 2002 predates the U.S. effective filing date of March 12, 2003.

Accordingly, Applicants request that the rejection under 35 U.S.C § 102(e) be withdrawn.

III. CONCLUSION

Applicants respectfully request that the above remarks be made of record in the file history of the present application. It is respectfully submitted that all claims are now in condition for allowance, early notice of which would be appreciated. Should the Examiner disagree, Applicants respectfully request a telephonic or in-person interview with the undersigned attorney to discuss any remaining issues and to expedite the eventual allowance of the claims.

Except for issues payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

Date: March 7, 2006

  
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IN THE MATTER OF US PATENT  
in the name of INSTITUT NATIONAL DE  
LA RECHERCHE AGRONOMIQUE  
filed under n° 10/509,255

I, Marie José VIALLE-PRESLES,  
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do solemnly and sincerely declare as follows:

1. that I am a qualified Patent Engineer and am well acquainted with both the French and English languages,
2. that the attached document is a true and correct translation of the specification n° 02 03891

filed by INSTITUT NATIONAL DE LA RECHERCHE AGRONOMIQUE, with their application for a Patent in France on March 28, 2002.

for: "USE OF *LACTOBACILLUS FARCEMINIS* FOR THE PREVENTION OR TREATMENT OF DIGESTIVE PATHOLOGIES."

Declared by the said

Marie José VIALLE-PRESLES

At Paris on March 3, 2006

A handwritten signature in black ink, appearing to read "Marie José Vialle-Presles".